

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Krista Pavlish	Team: Team # 5	CCRB Case #: 200308258	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 10/19/2003 3:44 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 4/19/2005	EO SOL 4/19/2005	
Date/Time CV Reported Sun, 10/19/2003 9:12 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 10/19/2003 9:12 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Hale	09664	906401	070 PCT
2. POF Jennyann Nelson	01731	928857	070 PCT
3. POM Vaughan Ettienne	29839	928258	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Steven Maddrey	16500	927111	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Vaughan Ettienne	Discourtesy: PO Vaughan Ettienne spoke rudely to § 87(2)(b) and § 87(2)(b)	
B.POF Jennyann Nelson	Discourtesy: PO Jennyann Nelson spoke rudely to § 87(2)(b) and § 87(2)(b)	
C.POM Sean Hale	Discourtesy: PO Sean Hale spoke rudely to § 87(2)(b) and § 87(2)(b)	
D.POM Sean Hale	Abuse: PO Sean Hale threatened to arrest § 87(2)(b) and § 87(2)(b)	
E.POM Vaughan Ettienne	Abuse: PO Vaughan Ettienne threatened to arrest § 87(2)(b) and § 87(2)(b)	
F.POM Sean Hale	Abuse: PO Sean Hale threatened to arrest § 87(2)(b)	
G.POF Jennyann Nelson	Force: PO Jennyann Nelson used physical force against § 87(2)(b)	

Synopsis

On October 19, 2003 § 87(2)(b) filed her complaint with the CCRB. On October 21, 2003 § 87(2)(b) § 87(2)(b)'s mother, filed a complaint about the same incident with IAB. On October 19, 2003 § 87(2)(b) was assaulted by a group of males and females at the corner deli located between Church and Caton Avenues in Brooklyn. He went home and told his mother, § 87(2)(b) and she called 911. When POs Sean Hale, Jennyann Nelson, and Vaughan Ettienne responded, § 87(2)(b) alleged the officers said, "Fuck this. Let them kill themselves" (allegation A, B, C). POs Hale and Ettienne also threatened to arrest § 87(2)(b) and § 87(2)(b) inside their apartment at § 87(2)(b) (allegation D, E). While his sister was outside of the building, she allegedly got into a fight with one of the girls that assaulted § 87(2)(b). PO Hale allegedly threatened to arrest § 87(2)(b) (allegation F). PO Nelson also allegedly grabbed § 87(2)(b) (allegation G).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

October 19, 2003: § 87(2)(b) filed her complaint at the CCRB (enclosure 7a-b). § 87(2)(b) alleged that a female officer grabbed her in front of § 87(2)(b) in Brooklyn and tried to reprimand her for no reason. She further stated that she sustained a busted lip, scraped finger, and advised that her back and arms were sore as a result of the force used against her by this officer. She also stated that she was threatened with arrest.

October 22, 2003: § 87(2)(b) made a brief phone statement (enclosure 9a). On October 19, 2003, § 87(2)(b) went to her mother's house located at § 87(2)(b) in Brooklyn. Her mother, § 87(2)(b) had called her because her brother, § 87(2)(b) was assaulted by a group of individuals. When she arrived at the apartment building, she got into a confrontation with one of the females that was involved in assaulting her brother. The female officer, later identified as PO Nelson, told § 87(2)(b) that she had to leave. § 87(2)(b) told the female officer that she did not call the officers and there was no problem. PO Nelson grabbed her arm and then shoved § 87(2)(b) in the face. § 87(2)(b) had a scratch on her finger, bruises under her arm, and back pain. On November 12, 2003, § 87(2)(b) voluntarily withdrew her complaint with the CCRB citing that she is having "problems" with the 70th Precinct. She had not been coerced in any way to withdraw her complaint. On November 14, 2004, § 87(2)(b) signed the complaint withdrawal letter. The letter was received by the investigator via mail (enclosure 25b).

§ 87(2)(b)

October 19, 2003: § 87(2)(b) the mother of § 87(2)(b) called 911 at 3:44 PM (enclosure 11a). She called to report that her son was jumped by a group of individuals. She stated that he was jumped because he was suspected of stealing their neighbor's Sony Play Station. § 87(2)(b) reported cuts and bruises on her son.

October 19, 2003: § 87(2)(b) called 911 for the second time at 4:14 PM (enclosure 11a). She said to the operator, "Why did your officers come and said 'The hell with this. Let everybody kill each other' and then left. All the officers came. They said f this and left. It's Brooklyn. The 7-0 Precinct. I just called and they came and left and they didn't do anything about the situation. These people jumped my son and threatened my daughter. I have a newborn here. And they (the people that jumped her son) tried to rob my son. One cop said something nasty and the other one left." § 87(2)(b) was then transferred to Internal Affairs.

October 21, 2003: An IAB log was generated in regards to this incident (enclosure 8a-b). § 87(2)(b) called 911 to report that her son had been assaulted. She also stated that four officers responded to the location and stated, “Fuck this, let’s leave, let them kill themselves.”

February 12, 2004: § 87(2)(b) gave a brief statement over the phone (enclosure 12a). She stated that she has high blood pressure, takes a lot of medicine, and that she is seeing a psychologist. § 87(2)(b) stated that she is not sure what the officers said during the interaction, but she was mostly upset that they did not take a complaint report in regard to the assault of her son. She did not want to participate in the investigation because she was on medication and did not remember most of what happened.

§ 87(2)(b)

December 17, 2003: § 87(2)(b) was interviewed at Rikers Correction Facility (enclosure 10a-c). On October 19, 2003, at approximately 3:45pm, § 87(2)(b) called the police to come to his house to file a complaint against five males and one female who robbed and assaulted him. When the officers arrived at his residence located at § 87(2)(b) the people who robbed him were outside of his apartment with his sister, § 87(2)(b) who was trying to talk to the female. The officers came to his door and asked him what he wanted to do. § 87(2)(b) said he wanted to make a complaint against the people who “jumped” him. The incident with the officers occurred in the hallway of his building in front of his apartment door, #§ 87(2)(b). There was one female and three male officers from the 70th Precinct, later identified as POs Nelson, Hale, Ettienne, and Maddrey. His mother, § 87(2)(b) was trying to tell them what happened and they told her to “shut up.” § 87(2)(b)’s mother was “hysterical” and crying. § 87(2)(b) said they were just trying to tell them what happened. PO Ettienne, PO Hale and PO Nelson said, “Fuck that. We’ll let them kill each other. Fuck that. Let’s go.” § 87(2)(b) was further questioned during the interview as to which officer cursed at him. § 87(2)(b) stated all three officers cursed at the same time. PO Hale was the first officer to say, “Fuck this.” PO Ettienne and PO Hale threatened to arrest § 87(2)(b) and his mother if they didn’t stop “getting out of line.” § 87(2)(b) said he had cuts all over and his eyes were swollen. The police officers talked to his neighbor, § 87(2)(b) who lives in Apt #§ 87(2)(b). She told them something and the officers started flipping out and said, “Let them kill each other.”

PO Nelson went outside to his sister, § 87(2)(b) and threw her against the wall for no reason. § 87(2)(b) saw PO Nelson grab his sister by the arms, but is not sure what was being said at that time. PO Nelson threatened to arrest her. An officer told his sister to “shut up” because she wasn’t the complainant.

§ 87(2)(b) recognized PO Maddrey and stated that he was the only officer that was doing his job. The officers went to their car and left. § 87(2)(b) is not sure how many cars were in front of his apartment building but knows that there was at least one marked car. No one was arrested. § 87(2)(b) stated that the officers had been to his house in the past for other problems.

Officer Interviews

Officer Sean Hale, 70th Precinct

March 10, 2004: PO Sean Hale was interviewed at the CCRB (enclosure 14a-b). On October 19, 2003, at 3:45 PM, PO Hale and PO Nelson responded to a call for an assault in progress at § 87(2)(b). They went into the building and walked to the back on the ground floor. A neighbor came out of apartment #§ 87(2)(b) and told them, “That’s the apartment you are looking for and you are probably going to knock on my door next.” She said that because her neighbor, § 87(2)(b) burglarized her apartment and an individual got into a fight with § 87(2)(b) because of the robbery. According to the neighbor, § 87(2)(b) admitted to taking a video game system from her and promised to give it back, but never did. PO Hale said that this woman advised that one of her friends beat him up. § 87(2)(b) then went home and made a call to 911. At this point, § 87(2)(b) came out of her apartment and said her son was assaulted and that he was in the shower. § 87(2)(b) got out of the shower and was completely naked. PO Hale asked him to put some clothing on which he did. PO Nelson went outside to tell “central” that they were at the location and there were no further units necessary. When she went outside, PO Nelson called the other responding officers to go outside because there was a fight between two females. PO Nelson restrained one female and PO Hale restrained the other.

The officers told them to calm down. It turned out that § 87(2)(b) and the other female were in the same dispute that the male inside was involved in. PO Hale stated, "If you don't stop, I'm going to arrest you."

PO Hale and PO Nelson asked § 87(2)(b) and his mother numerous times if they wanted to file a complaint for the assault on § 87(2)(b). They received no answer, so they left. PO Hale did not see injuries on § 87(2)(b) but noted that he was quite a distance away. Neither § 87(2)(b) nor § 87(2)(b) requested an ambulance.

PO Hale recalled that he told § 87(2)(b) to "quiet down because he couldn't hear what they were saying." She was cursing at the officers. PO Hale did not say, "Fuck that. Let's leave them kill each other." He did not hear any other officer curse. PO Hale did not threaten to arrest § 87(2)(b) or § 87(2)(b). He did threaten to arrest § 87(2)(b) outside for attempting to hit the other female. PO Nelson had minimal physical contact with § 87(2)(b) who PO Hale threatened to arrest because of the fight. PO Nelson threw her against a wall to prevent her from hitting the other woman.

After several attempts to get them to file a report, PO Hale said, "Forget this. They don't want our help. They don't want to file a report." They were yelling and screaming at the other two officers.

He was there about five minutes. He did not go back to the apartment after the fight outside, but stepped into the hallway. § 87(2)(b) and § 87(2)(b) were irate about them not arresting the unidentified female who was fighting with § 87(2)(b).

Officer Jennyann Nelson, 70th Precinct

March 11, 2004: PO Jennyann Nelson was interviewed at the CCRB (enclosure 15a-b). On October 19, 2003, PO Nelson was working patrol with PO Hale. At approximately 3:45 PM, PO Nelson and PO Hale responded to a call for an assault at § 87(2)(b) in Brooklyn. PO Maddrey and PO Eittenne were also there responding to the same call. § 87(2)(g) PO Nelson observed that § 87(2)(b) had a bump on one of his eyes and scratches on his face. § 87(2)(b) stated that he did not need medical attention when asked.

After about a minute, they heard two females screaming at each other outside of the building. All of the responding officers went outside to see what is going on. Two females were involved in a verbal dispute. One female identified herself as § 87(2)(b) the sister of § 87(2)(b). § 87(2)(b) told the officers that § 87(2)(b) was assaulted because he took a video game system from the neighbors. § 87(2)(b) stated that the other female knew who assaulted § 87(2)(b). The officers asked the other female and the two males that were with her to leave and they complied. § 87(2)(b) attempted to run after the woman. The officers stopped § 87(2)(b) by grabbing onto her arm. PO Hale and PO Nelson each had one arm. § 87(2)(b) did not comply. PO Nelson took § 87(2)(b) back into the building with the family. The § 87(2)(b)s were cursing at the officers.

PO Nelson did not threaten to arrest anyone on the scene. PO Hale threatened to arrest § 87(2)(b) because she was being disorderly outside of the building. They asked if they wanted to file a complaint about the assault but § 87(2)(b) did not want to file a complaint and no longer needed police assistance.

Officer Steven Maddrey, 70th Precinct

April 1, 2004: PO Steven Maddrey was interviewed at the CCRB (enclosure 18a-b). On October 19, 2003 PO Maddrey was working patrol with PO Eittenne. At approximately 3:45 PM, there was a call for back up at § 87(2)(b). The incident involved an assault as a result of a stolen PlayStation. PO Maddrey knows the § 87(2)(b) family from three or four previous occasions. The § 87(2)(b)s do not get along with their neighbors in apartment #§ 87(2)(b). PO Maddrey stated that he has "helped" § 87(2)(b) out in different situations and has accompanied § 87(2)(b) to the hospital because she is an emotionally disturbed person.

PO Maddrey spoke to the neighbors. There was a young girl, about 15 years old, stating that someone stole a PlayStation. Meanwhile, the other officers were speaking to the § 87(2)(b)s. There was a lot of yelling.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) was certain that he recognized one of the officers. PO Maddrey stated that he had been to the § 87(2)(b) apartment three or four times. It was determined that PO Maddrey was the officer whom § 87(2)(b) had recognized. Because PO Nelson was the only female officer on the scene, it was determined that she was the female officer that grabbed § 87(2)(b) outside of the building. PO Hale is the only officer who had glasses and the only white male officer. PO Nelson and PO Hale did not deny any involvement in the incident § 87(2)(g). PO Etienne and PO Maddrey also admit to being at the location, although their account is slightly different. PO Etienne is named as a subject officer by § 87(2)(b)'s statement. He stated that all the officers spoke discourteously to him except for the officer he knew who was later determined to be PO Maddrey. Police and communication records confirm that the above officers were present at the location.

Facts not in dispute

There is no dispute that PO Hale, PO Nelson, PO Etienne, and PO Maddrey responded to § 87(2)(b) as a result of a 911 call placed by § 87(2)(b). When the officers arrived there were no reports taken by the officers about the assault and no arrests were made. It is also not in dispute that the assault occurred because of a stolen PlayStation. PO Hale did threaten to arrest § 87(2)(b) if she did not calm down.

Facts in dispute

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Credibility

§ 87(2)(b) only gave one statement, which was the CCRB statement. § 87(2)(g)
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§ 87(2)(g)

§ 87(2)(g) PO Hale stated that he threatened to arrest § 87(2)(b). PO Nelson stated that she grabbed § 87(2)(b). They stated that they were there for an assault complaint but that everyone was yelling and no one wanted to file a formal complaint. § 87(2)(g) They stated that they were there to investigate the stolen PlayStation and that they did not see any reason for an arrest. Neither of these officers were aware that an assault had taken place. They also did not see any interaction outside of the building with § 87(2)(b) and another female.

Allegation A: Officer Jennyann Nelson spoke rudely to § 87(2)(b) and § 87(2)(b)

Allegation B: Officer Sean Hale spoke rudely to § 87(2)(b) and § 87(2)(b)

Allegation C: Officer Vaughan Ettienne spoke rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that PO Nelson, PO Hale, and PO Ettienne stated to him, “Fuck that. We’ll let them kill each other. Fuck this. Let’s go” in regards to taking his complaint about his assault. The officers deny this allegation and stated that § 87(2)(b) did not want to make a complaint after they had asked several times. Patrol Guide Procedure 203-09 (enclosure 1a) requires that officers be “courteous and respectful” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Nelson, PO Hale, and PO Ettienne deny speaking rudely to § 87(2)(b) and § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Officer Sean Hale threatened to arrest § 87(2)(b) and § 87(2)(b)

Allegation E: Officer Vaughan Ettienne threatened to arrest § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that PO Hale and PO Ettienne threatened to arrest him and his mother if they didn’t stop “getting out of line.” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F: Officer Sean Hale threatened to arrest § 87(2)(b)

PO Hale stated that he threatened to arrest § 87(2)(b) outside of § 87(2)(b) because she was fighting with the other female and refused to leave. Patrol Guide Procedure 208-01 (enclosure 2a) states that an officer can arrest someone when “a reasonable cause to believe an offense committed in his presence.” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G: Officer Jennyann Nelson used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Nelson grabbed his sister, § 87(2)(b) and threw her against a wall. § 87(2)(g)

§ 87(2)(g) Patrol Guide Procedure 203-11(enclosure 3a-b), which states that force must be “minimum” and “necessary.” PO Nelson and PO Hale stated that they grabbed § 87(2)(b)

§ 87(2)(b) by her arms to guide her back into the building and to stop her from fighting with the other female outside of § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: